



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 25, 2007

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915
US

Dear Sir/Madam,

Your refund request for 10563727 in the amount of \$500.00 has been denied .

There are a total of 35 claims. Five of which are independent claims. Fees are correct.

Sincerely,


RITA WHITE
PCT - National
703 308-9140 x231

JAN. 23. 2007 3:33PM NEEDLE & ROSENBERG

NO. 0513 P. 2/20

ATTORNEY DOCKET NO.: 09170.0001U1
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Pearce, et al.) Confirmation No. 1955
Application No. 10/563,727) Group Art Unit: 1618
Filing Date: January 6, 2006) Examiner: Unassigned
For: "METHOD AND APPARATUS FOR PROFILING CHARACTERISTICS OF MOBILE DEVICES")

SECOND REQUEST FOR REFUND

MAIL STOP 16
Commissioner for Patent
P. O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

January 23, 2007

Sir:

On December 8, 2006, Applicants filed a Request for Refund for the above application (attached). Applicants filed the Request for Refund with evidence showing that the \$500.00 charged to Deposit Account 14-0629 was in error (see attachments). The aforementioned refund request was never received at the U.S. Patent and Trademark Office. Applicants, therefore, submit a second refund request for the overpayment.

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PAGE 2201 REV'D AT 1/23/07 3:33:14 PM (Eastern Standard Time) / SYSTEM TO REFUND 314 / DMS 273550 / CSID: / DURATION [mm:ss] 00:04:44

JAN. 23. 2007 3:33PM NEEDLE & ROSENBERG

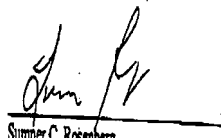
NO. 0513 P. 3/20

ATTORNEY DOCKET NO. 09170.0001U1
APPLICATION NO. 10/563,727

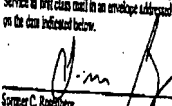
In light of the above, it is respectfully requested that the overpayment of \$500.00 be
credited to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.


Summer C. Rosenberg
Registration No. 28,753

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300 Phone
(678) 420-9301 Fax

<p align="center">CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.111</p> <p>I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-145, on the date indicated below.</p>	
<p> Summer C. Rosenberg</p>	<p align="center">1/23/07 Date</p>

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PAGE 3201 PG10 AT 07202967 2:32:14 PM (Eastern Standard Time) 07C18P10-0710F-0111 0005270500 * CS00 * DURATION (pre-est) 04:04

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NO. 0513 P. 9/20

ATTORNEY DOCKET NO. 09176.0001ui
 International Application No. PCT/GB2004/003062
 EXPRESS MAIL LABEL NO. EL 997678676 US

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims

1. (Original) A method for profiling characteristics of a mobile device, the method comprising:
 - transmitting test data to the mobile device over a mobile communications network for output by the mobile device;
 - providing query data to a user interface defining queries for display by the user interface, which queries concern the expected output of the test data by the mobile device;
 - receiving response data from the user interface defining a response to the query; and
 - storing the response data in a database.
2. (Original) The method of claim 1, wherein the test data is transmitted to the mobile device using a dedicated data communications link
3. (Currently amended) The method of claim 1 or claim 2, wherein the test data is transmitted to the mobile device using a data messaging service.
4. (Currently amended) The method of claim 1 or any one of the preceding claims, wherein the test data is transmitted to the mobile device substantially simultaneously to the query data being provided to the user interface.

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PAGE 0201 RCV AT 1222007 3:34 PM [Eastern Standard Time] 818138710-8726-2014 0003-27345001 CS02 DURATION (mm:ss) 04:54

JAN 23 2007 3:55PM NEEDLE & ROSENBERG

NO. 0513 -P. 10/20

ATTORNEY DOCKET NO. 09170.000101
 International Application No. PCT/GB2004/005002
 EXPRESS MAIL LABEL NO. EL 997678676 US

5. (Currently amended) The method of claim 1 any one of the preceding claims, wherein respective queries concern respective items of test data.
6. (Currently amended) The method of claim 1 any one of the preceding claims, wherein items of test data are transmitted to the mobile device in an order corresponding with an order in which the queries concerning the respective items of test data are provided for display.
7. (Currently amended) The method of claim 1 any one of the preceding claims, wherein respective items of test data test individual attributes of the mobile device.
8. (Currently amended) The method of claim 1 any one of the preceding claims, wherein at least some items of test data test characteristics of the display of the mobile device.
9. (Currently amended) The method of claim 1 any one of the preceding claims, wherein output of at least some items of test data comprises display of the test data.
10. (Currently amended) The method of claim 1 any one of the preceding claims, wherein at least some of the items of test data test communication characteristics of the mobile device.

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PAGE 10/20 RECEIVED AT 12/27/07 2:35:34 PM Eastern Standard Time, INTELLECTUAL PROPERTY DIVISION, USPTO, CIVIL RIGHTS DIVISION, CIVIL RIGHTS DIVISION, CIVIL RIGHTS DIVISION

JAN. 23. 2007 3:35PM NEEDLE & ROSENBERG

NO. 0513 P. 12/20

ATTORNEY DOCKET NO. 09170.0001ul
 International Application No. PCT/GB2004/003002
 EXPRESS MAIL LABEL NO. EL 997678676 US

17. (Original) An apparatus for profiling characteristics of a mobile device, the apparatus comprising:
- a network interface for transmitting test data to the mobile device over a mobile communications network for output by the mobile device;
 - a processor for providing query data to a user interface for display by the user interface, which query data defines a query concerning the expected output of the test data by the mobile device, and for receiving response data defining a response to the query from the user interface; and
 - a database for storing the response data.
18. (Original) The apparatus of claim 17, wherein the network interface transmits the test data to the mobile device using a dedicated data communications link.
19. (Currently amended) The apparatus of claim 17 ~~or claim 18~~, wherein the network interface transmits the test data to the mobile device using a data messaging service.
20. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 19~~, wherein the network interface transmits the test data to the mobile device substantially simultaneously to the processor providing query data to the user interface.
21. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 20~~, wherein respective queries concern respective items of test data.

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JAN 23 2007 3:35PM NEEDLE & ROSENBERG

NO. 0513 P. 13/20

ATTORNEY DOCKET NO. 09370.0001
 International Application No. PCT/GB2004/003402
 EXPRESS MAIL LABEL NO. EL 997678676 US

22. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 21~~, wherein the network interface transmits items of test data to the mobile device in an order corresponding with an order in which the queries concerning the respective items of test data are provided for display.
23. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 23~~, wherein respective items of test data test individual attributes of the mobile device.
24. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 25~~, wherein at least some items of test data test characteristics of the display of the mobile device.
25. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 24~~, wherein output of at least some items of test data comprises display of the test data.
26. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 25~~, wherein at least some of the items of test data test communication characteristics of the mobile device.
27. (Currently amended) The apparatus of claim 17 ~~any one of claims 17 to 26~~, wherein output of at least some items of test data comprises transmission of data over the mobile telecommunications network.

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JAN. 23. 2007 3:36PM NEEDLE & ROSENBERG

NO. 0513 P. 15/20

ATTORNEY DOCKET NO. 00170.0001n1
International Application No. PCT/GB2006/003002
EXPRESS MAIL LABEL NO. EL 997678676 US

35. (Canceled) An apparatus for profiling the characteristics of a mobile device
substantially as described with reference to any of the accompanying drawings.

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PAGE 1529 RECEIVED AT 12/22/07 3:32:14 PM Eastern Standard Time BY USPTO-57287-DIV 1015-27-0000 CSD DURATION 00:04:44

JAN. 23. 2007 3:36PM NEEDLE & ROSENBERG

NO. 0513-P. 17/20

ATTORNEY DOCKET NO. 09170.0001u1
International Application No. PCT/GB2004/003602
EXPRESS MAIL LABEL NO. EL 997678676 US

ABSTRACT

A method for profiling characteristics of a mobile device comprises transmitting test data to the mobile device over a mobile telecommunications network for output by the mobile device; providing query data to a user interface defining queries for display by the user interface, which queries concern the expected output of the test data by the mobile device; receiving response data from the user interface defining a response to the query; and storing the response data in a database.

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PAGE 17/20 RCVD AT 02/2007 3:31:14 PM (Eastern Standard Time) * SECURTO-5708-314 * UNCLASSIFIED * CSD * DURATION (mm:ss) 04:54

JAN. 23. 2007 3:56PM

NEEDLE & ROSENBERG

NO. 0513 P. 10/20

Exhibit B

4 COPY

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED ELECTED OFFICE (COREGUS) CONCERNING A FILING UNDER 35 U.S.C. 371		MAIL LABEL NO.: EL 98787879 US
INTERNATIONAL APPLICATION NO. PCT/GB2004/000002		ATTORNEY'S RECORD NUMBER: 09170_0001U1
INTERNATIONAL FILING DATE: July 8, 2004	PRIORITY DATE CLAIMED: July 8, 2003	35 U.S.C. 371(c)(1)
TITLE OF INVENTION: METHOD AND APPARATUS FOR PROFILING CHARACTERISTICS OF MOBILE DEVICES		
APPLICANT(S) FOR REGISTRATION: PEARCE, James and BYTNER, Anders		

Applicant hereby certifies to the United States Designated Office (DOEUS) the following facts and other information:

- ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(p)). The submission must include items (1), (2), (3), and (4) indicated below.
- ☐ The US has been elected (Article 21).
- ☒ A copy of the international Application as filed (35 U.S.C. 371(c)(2))
 - ☐ is attached hereto (required only if not communicated by the International Bureau).
 - ☒ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (ROUS).
- ☐ An English language translation of the international Application as filed (35 U.S.C. 371(c)(2))
 - ☐ is attached hereto.
 - ☐ has been previously submitted under 35 U.S.C. 154(c)(4).
- ☒ Amendments to the claims of the international Application under PCT Article 18 (35 U.S.C. 371(c)(3))
 - ☐ are attached hereto (required only if not communicated by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ An English language translation of the annexes of the international Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet is compliant with 37 CFR 1.28 and 3.31 & included.
- ☒ A preliminary amendment.
- ☐ An Application Data Sheet under 37 CFR 1.78.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 35 U.S.C. 1.821-1.825. The contents of the paper copy and the computer-readable form of the Sequence Listing, submitted herewith are the same and include no new matter, as required by 37 C.F.R. 1.821(f).
- ☐ A second copy of the published international application under 35 U.S.C. 154(c)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(c)(4).

22. Other facts or information:

PAGE 1/20 AT 10:00:07 2/20/07 PM Eastern Standard Time* SYNOPSIS TO EPIC* 0/1 * DNS:2/20/07 * CSO: * DURATION 00:00:04

JAN 23 2007 3:37PM NEEDLE & ROSENBERG

NO. 0513 P. 19/20

US APPLICATION NO. (If none, see 37 CFR 1.51)		INTERNATIONAL APPLICATION NO. (PCT/NO. 44/2002)	ATTORNEY DOCKET NUMBER (OPTIONAL)
Total Refunding Fees have been submitted		CALCULATIONS	PTO USER ONLY
21. <input type="checkbox"/> Basic Examination Fee		\$ 200.00	
22. <input type="checkbox"/> Examination Fee If written opinion prepared by (S)415 or by PFI prepared by (S)415 exceeds 30 pages (including drawings), PFI fees (S) 1.00		\$ 200.00	
All other charges		\$ 200.00	
23. <input type="checkbox"/> Search Fee If written opinion prepared by (S)415 or by PFI prepared by (S)415 exceeds 30 pages (including drawings), PFI fees (S) 1.00		\$ 400.00	
If Search fee (S) 1.00 (LARGE) is not included Application is (S) 1.00		\$ 100.00	
All other charges		\$ 100.00	
TOTAL OF 21, 22 AND 23 =		\$ 900.00	
<input type="checkbox"/> Additional fee for examination and drawings that is paid over 100 sheets (including drawings) being of computer program being filed in an electronic format. The fee is \$200 for each additional 100 sheets of computer program.			
Total Sheets	Excess Sheets	No. of each additional 100 or fraction thereof counted up to a whole number	RATE
100	150	1	\$ 200.00
Average fee of \$100.00 for transmitting the entire application less than 10 sheets from the earliest official priority date (S) 1.00 (LARGE)			\$ 100.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	25-30	10	\$ 100.00
Independent claims	5-10	0	\$ 100.00
MULTIPLE DEPENDENT CLAIMS (if applicable)		\$ 100.00	\$ 100.00
TOTAL OF ABOVE CALCULATIONS =		\$ 1100.00	
<input type="checkbox"/> Application claims small entity status. See 37 CFR 1.27. Fees above are reduced by 50%.		\$ 550.00	
SUBTOTAL =		\$ 1100.00	
Processing fee of (S) 1.00 for handling the English translation per line (S) 1.00 (LARGE) from the earliest official priority date (S) 1.00 (LARGE)		\$ 100.00	
TOTAL NATIONAL FEE =		\$ 1200.00	
Fee for receiving the national description (S) 1.00 (LARGE). The amount must be accompanied by an appropriate check (S) 1.00 (LARGE) and (S) 1.00 (LARGE) for priority		\$ 100.00	
TOTAL FEES ENCLOSED =		\$ 1300.00	
Amount to be refunded		\$	
Amount		\$	
<p><input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p><input type="checkbox"/> Please charge my Deposit Account No. 14-0028 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-0028. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2000.</p> <p><input type="checkbox"/> Pursuant to 37 C.F.R. § 1.105(a)(3), the Commissioner is hereby requested and authorized to treat any correspondence or action reply in this above-captioned application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.</p>			
<p>NOTE: When an applicant files first under 37 CFR 1.414 or 1.415 has not been filed, a petition to revive (S) 1.157 (a) or (b) must be filed and granted to restore the application to pending status.</p>			
<p>SEND ALL TO THE ADDRESS ASSOCIATED WITH:</p> <p>Customer No. 23859</p> <p>SIGNATURE _____</p> <p>NAME _____</p> <p>28.751</p> <p>REGISTRATION NUMBER _____</p>			

PAGE 1829* RCVD AT 122200Z JAN 23 2007 FROM [redacted] ST/ASPTO-PTO-04/ [redacted] CSD/ [redacted] DURATION [redacted]